

Appl. No. 09/806,886

Reply to Office Action of August 25, 2004

REMARKS/ARGUMENTS

Claim 6 is cancelled hereunder without prejudice. Claims 1, 7, and 9 - 11 remain in the application. Claim 1 has been amended to recite that the acid source is substantially anhydrous and is maleic acid, malic acid or a combination thereof. Support for this amendment is found on page 5, lines 14 - 23 of the instant application.

REJECTIONS UNDER 35 USC § 112

Claims 6 - 7 and 9 - 10 stand rejected under 35 U.S.C. §112 for the reasons of record stated on page 2 of the Office Action. As Claim 6 is now cancelled, the rejection as it applies to Claim 6 is now moot. The dependency of Claims 7 and 9 - 10 has been amended to change the dependency to Claim 1. As this rejection has been overcome, Applicants respectfully request reconsideration and withdrawal of this amendment.

REJECTIONS UNDER 35 USC § 103

Claims 1 - 6, and 9 - 11 are rejected under 35 U.S.C. §103 as being unpatentable over WO 97/17939 published in the name of Steventon et al. (hereinafter "Steventon") in view of U.S. Patent No. 5,804,544 issued to Powell et al. (hereinafter "Powell"), and further in view of U.S. Patent No. 4,652,392 issued to Baginski et al. (hereinafter "Baginski") for the reasons of record stated on pages 2 and 3 of the Office Action.

Claims 1, 6 - 7, and 9 - 11 are rejected under 35 U.S.C. §103 as being unpatentable over WO 93/01269 published in the name of Akay et al. (hereinafter "Akay") in view of Powell, and in further view of Baginski for the reasons of record stated on pages 2 and 3 of the Office Action.

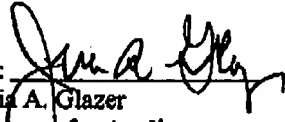
These rejections are moot in so far as they apply to Claim 6 which now stands cancelled. Claim 1 has been amended to provide that the acid source is substantially anhydrous maleic acid, malic acid, or a combination thereof. Neither Steventon in view of Powell and Baginski nor Akay in view of Powell and Baginski teach either expressly or impliedly suggest inter alia an acid source that is substantially anhydrous maleic acid, malic acid or a combination thereof. Hence, Claims 1, 7, and 9 - 11 are unobvious over the cited references.

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**SUMMARY**

This RCE is responsive to the final Office Action dated August 25, 2004. In light of the amendments to the claims and the above remarks, it is requested that the Examiner reconsider and withdraw all rejections. Early and favorable action in the case is respectfully requested.

Respectfully submitted,  
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